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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/604,934

08/27/2003

Alan M Wagner

Lear04380

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08/15/2006

Bruce E. Harang

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EXAMINER

WINDLEY III, WILLIAM R

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/604,934

Applicant(s)

WAGNER, ALAN M

Examiner

William Windley III

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "one end" and "the other end" recited in claims 1 and 5 must be shown and the "L-shape" of claim 6 or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1,4,5,6,9, and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 4 the recitation "suitable to prevent undesired non-longitudinal axis movement of said drive nut device" is unclear. What is "suitable?"

Re claim 10 the recitation "suitable to prevent undesired non-longitudinal axis movement of said vertical drive nut device" is unclear. What is "suitable?"

Re claims 1 and 5 the recitation "a desired shape" is unclear. What does "a desired shape" mean?

Re claim 6 the recitation "has a generally L-shape" is unclear. Does it have an L shape or not?

Re claim 9 the recitation "substantially" is unclear. Is the angle a right angle or not?

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 and 7-10 rejected under 35 U.S.C. 102(b) as being anticipated by Burmeister USP 4867717.

Re claims 1-2 Burmeister discloses a(n):

- Drive nut body (62) having two ends (73,71)
- One end having a bore (71)
- Other end having a drive nut (73) said drive nut having a threaded bore
- Drive nut device comprised of sheet steel (Column 5, lines 29-34)

6. Claims 1-5 and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Adler USP 4648597.

Adler discloses a(n):

- Drive nut body (36) having two ends (46,42)
- One end having a bore (42)
- Other end having a drive nut (46) said drive nut having a threaded bore
- Drive nut device comprised of sheet steel (Column 3, lines 17-19)

7. Claims 1,4-6, and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Eaton USP 2864431.

Re claims 1 and 5 Eaton discloses (See Figure 1) a(n):

- Drive nut body (23) having two ends (23,19)
- One end having a bore (36)
- Other end having a drive nut (23), said drive nut having a threaded bore

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Re claim 4, as best understood, the drive nut has a longitudinal length suitable to prevent undesired non-longitudinal axis movement of said drive nut device (Column 2, lines 13-27).

Re claim 6, as best understood, the drive nut body has a generally L-shape (See Figure 3).

Re claim 9, as best understood, the drive nut longitudinal axis is substantially at a right angle to said bore for mounting to a seat vertical movement member (See Figure 3).

Re claim 10, as best understood, the drive nut has a longitudinal length suitable to prevent undesired non-longitudinal axis movement of said vertical drive nut device (Column 2, lines 13-27).

8. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Leebeeck USP 5595363.

Re claims 1-10 Leebeeck discloses a(n):

- Drive nut body (12)
- One end having a bore (42)
- Other end having a drive nut (17), said drive nut (17) having a threaded bore (21)
- Sheet steel (Column 4, lines 16-19)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Windley III whose telephone number is 571-272-

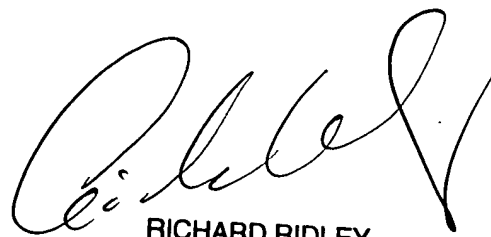
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6460. The examiner can normally be reached on 8:30 AM to 5:30 PM Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William Windley III  
8/9/2006



RICHARD RIDLEY  
SUPERVISORY PATENT EXAMINER